

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA

FILED  
U.S. DISTRICT COURT  
AUGUSTA DIV.

2018 MAR 29 PM 3:41

DUBLIN DIVISION

CLERK 2. Burton  
SO. DIST. OF GA.

GARRY D. MULLIS,

Plaintiff,

v.

ANTOINE G. CALDWELL;  
DR. COWEN; MS. GRANISON; and  
SAMANTHA MIRANDO,

Defendants.

CV 318-012

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**ORDER**

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After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge's Report and Recommendation, to which objections have been filed (doc. no. 10). The Magistrate Judge recommended dismissing the case without prejudice as a sanction for Plaintiff providing dishonest information about his filing history. (See doc. no. 8.) Plaintiff concedes that he did not provide accurate responses to the questions on the complaint form but asks that the Court excuse his dishonesty. The Court declines to do so.

Plaintiff does not deny he filed the undisclosed cases identified by the Magistrate Judge. Nor does he deny knowledge of the cases. Rather, he claims he did not purposefully lie, and the undisclosed case from the Southern District of Georgia was improperly dismissed. (Doc. no. 10, pp. 1-2.)

The plain language of the complaint form explains a prisoner plaintiff must disclose his prior filing history. (Doc. no. 1, pp. 1-4.) Moreover, this is the second case Plaintiff has filed in the Southern District of Georgia using the standard complaint form, and the first case was also dismissed in part because of Plaintiff's failure to truthfully disclose his litigation history. Mullis v. Deal, CV 616-100 (S.D. Ga. July 22, 2016). That case was dismissed well before Plaintiff signed the instant complaint on February 7, 2018. Thus, any claims of misunderstanding the plain language of questions about prior filing history on the standardized complaint or hindrance in compliance with the disclosure requirements because of Plaintiff's status as a layman ring hollow. As the case law cited in the Report and Recommendation makes clear, failing to disclose prior filing history will not be tolerated, and the Eleventh Circuit has repeatedly approved of dismissing a case without prejudice as a sanction. (See doc. no. 8, pp. 4-5.)

Accordingly, the Court **OVERRULES** Plaintiff's objections, **ADOPTS** the Report and Recommendation of the Magistrate Judge as its opinion, **DISMISSES** this case without prejudice as a sanction for Plaintiff's abuse of the judicial process, and **CLOSES** this civil action.

SO ORDERED this 23<sup>rd</sup> day of March, 2018, at Augusta, Georgia.  
29<sup>th</sup>

  
UNITED STATES DISTRICT JUDGE